

JUN 12 2013

AT 8:30 _____ M
WILLIAM T. WALSH CLERK

THIS MATTER having come before the Court on Petitioner Tormu E. Prall's motion (Docket entry no. 20) to vacate this Court's Order dated March 12, 2013, denying without prejudice Petitioner's requests for discovery and production of documents (Docket entry no. 18), and his motion (Docket entry no. 21) to vacate this Court's separate Order also dated March 12, 2013, denying without prejudice Petitioner's motions to amend his petition and issue subpoenas (Docket entry no. 19), and these motions being considered on the papers pursuant to Rule 78 of the Federal Rules of Civil Procedure, and it appearing that:

1. On March 12, 2013, this Court entered an Order denying without prejudice Petitioner's motions for discovery and requests for production of documents (Docket entry nos. 6 and 7), because Petitioner had not provided the Court with specific allegations or reasons to justify his extensive discovery requests, as required under Rule 6(b) of the Rules Governing Section 2254

Cases in the United States District Court ("Habeas Rules").

(Docket entry no. 18.)

2. Also on March 12, 2013, this Court entered a separate Order denying without prejudice Petitioner's motions to withdraw and amend paragraphs in his habeas petition and to issue subpoenas (Docket entry nos. 8 and 10), because Petitioner's applications did not set forth his supplemental or amended claims in a clear and concise manner as required under Habeas Rule 2(c) and (d), and because his request for subpoenas did not comply with Habeas Rule 6(b). (Docket entry no. 19.)

3. On March 27, 2013, Petitioner filed a motion seeking to vacate this Court's March 12, 2013 Order denying his requests for discovery. (Docket entry no. 20.) Petitioner alleges that he needs the extensive statistical information requested, that is related to racial bias, to prove that the prosecutor manipulated a witness, Alexis Bell, to testify against him. (Id., at ¶¶ 2-6.)

4. On April 22, 2013, Petitioner filed another motion to vacate the Court's March 12, 2013 Order denying Petitioner's request to amend his petition. (Docket entry no. 21.) In this motion, Petitioner submits the very same arguments he raised in his motion to vacate filed under Docket entry no. 20.

5. This Court finds that Petitioner's allegations and exhibits submitted with his motions to vacate (Docket entry nos.

20, 21) do not provide good cause to warrant the extensive fishing expedition he seeks with regard to statistical information concerning racial bias from the Mercer County Prosecutor's Office. Indeed, the discovery requests are unrelated to Petitioner's claim that the assistant prosecutor allegedly induced witness Alexis Bell to provide a false statement and testimony against Petitioner.

THEREFORE, for the foregoing reasons,

It is on this 10th day of June, 2013,

ORDERED that Petitioner's motion to vacate (Docket entry no. 20) this Court's March 12, 2013 Order denying Petitioner's requests for discovery and production of documents is DENIED; and it is further

ORDERED that Petitioner's motion to vacate (Docket entry no. 21) this Court's March 12, 2013 Order denying Petitioner's motions to withdraw and amend his petition and for issuance of subpoenas is DENIED; and it is finally

ORDERED that the Clerk shall serve this Order upon the Plaintiff by regular mail.

June 10, 2013

Anne E. Thompson

ANNE E. THOMPSON
United States District Judge